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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/784,037   | 02/20/2004  | Kinya Ozawa          | 9319S-406DVA        | 1669             |
| 27572  | 7590        | 06/08/2006           | EXAMINER            |                  |
| HARNESS, DICKEY & PIERCE, P.L.C.<br>P.O. BOX 828<br>BLOOMFIELD HILLS, MI 48303 |             |                      | RUDE, TIMOTHY L     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2883                |                  |

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

A

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/784,037 | <b>Applicant(s)</b><br>OZAWA ET AL. |  |
|                              | <b>Examiner</b><br>Timothy L. Rude   | <b>Art Unit</b><br>2883             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 27 February 2006 has been entered.

### ***Claims***

Dependent claims 16-18 are added. Base claims 1 and 9 are amended. As a result of the base claim amendments, the instant Application is no longer in condition for allowance. Furthermore, there no longer exists any allowable generic claim. Therefore, examiner reasserts the restriction requirement of 21 September 2004; Applicant elected Species D in the response filed 13 October 2004. Examiner allows shift; Applicant may make a new election, however, examiner points out the need to avoid conflicts with parent application 10/255,121, child application 11/368,197, and other commonly owned applications/patents. Examiner recommends review of elections made in all related applications/patents to avoid double patenting.

***Election/Restrictions***

This Application contains the following patentably distinct species of the claimed invention:

Species A, embodiment 1, figures 1A-1C and 2, drawn to a trasflective liquid crystal device comprising: reflective display regions which boarder transmissive display regions on three sides and slopes in the thickness adjusting layer only above the transmissive display regions, and no shading film under the thickness-adjusting layer, wherein the transmissive-display region color filter does not overlap the reflective-display region color filter.

Species B, embodiment 2, figures 3A-3C, drawn to a trasflective liquid crystal device comprising: reflective display regions which boarder transmissive display regions on one side and slopes in the thickness adjusting layer only above the transmissive display regions, and no shading film under the thickness-adjusting layer, wherein transmissive-display region color filter does not overlap the reflective-display region color filter.

Species C, embodiment 3, figures 4A-4C and 5, drawn to a trasflective liquid crystal device comprising: reflective display regions which boarder transmissive display regions on three sides and slopes in the thickness adjusting layer only above the reflective display regions, and no shading film under the thickness-adjusting layer, wherein the transmissive-display region color filter does not overlap the reflective-display region color filter.

Species D, embodiment 4, figures 6A-6B, drawn to a trasflective liquid crystal device comprising: reflective display regions which boarder transmissive display regions on one side and slopes in the thickness adjusting layer only above the reflective display regions, and no shading film under the thickness-adjusting layer, wherein the transmissive-display region color filter does not overlap the reflective-display region color filter.

Species E, embodiment 5, figures 7A-7B, drawn to a trasflective liquid crystal device comprising: reflective display regions which boarder transmissive display regions on three sides and slopes in the thickness adjusting layer only above the transmissive display regions, and a shading film under the slope along the edge of the pixel region, wherein the transmissive-display region color filter does not overlap the reflective-display region color filter.

Species F, embodiment 6, figure 8, drawn to a trasflective liquid crystal device comprising: reflective display regions which boarder transmissive display regions on three sides and slopes in the thickness adjusting layer only above the transmissive display regions, and no shading film under the thickness-adjusting layer, wherein the transmissive-display region color filter overlaps the reflective-display color filter under said slopes.

Species G, embodiment 7, figure 9, drawn to a trasflective liquid crystal device comprising: reflective display regions which boarder transmissive display regions on three sides and slopes in the thickness adjusting layer only above only the reflective display regions, and no shading film under the thickness-adjusting layer, wherein the

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transmissive-display region color filter overlaps the reflective-display region color filter under said slopes.

Species H, embodiment 8, figure 10, drawn to a trasflective liquid crystal device comprising: reflective display regions which boarder transmissive display regions on three sides and slopes in the thickness adjusting layer above both the transmissive display regions and reflective display regions, and no shading film under the thickness-adjusting layer, wherein the transmissive-display region color filter overlaps the reflective-display region color filter under said slopes.

Species I, embodiment 9, figure 11, drawn to a trasflective liquid crystal device comprising: reflective display regions which boarder transmissive display regions on three sides and slopes in the thickness adjusting layer only above the transmissive display regions, and no shading film under the thickness-adjusting layer, wherein a plurality of transmissive-display region color filters of multiple colors overlaps the reflective-display region color filter under said slopes.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from A-I for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic to all species.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election. Please note that amendments to the claims may be made to avoid limitations drawn to a non-elected invention and/or to render claims generic.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1550.



tlr

Timothy L Rude  
Examiner  
Art Unit 2883



Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800